DETAINED

UNITED STATES DISTRICT COURT

for the

MIDDLE DISTRICT OF FLORIDA

JORGE LUIS GONZALEZ FERRER)
A# [redacted])
Petitioner,)
)
v.)
)
WARDEN, GLADES COUNTY DETENTION CENTER) **CASE No.:**
MARKWAYNE MULLIN, SECRETARY OF HOMELAND) 2:26-cv-1680-SPC-KRH
SECURITY, TODD M. LYONS, ACTING DRECTOR)
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,)
DHS, AND TODD BLANCHE, ATTORNEY GENERAL)
OF THE UNITED STATES)
Respondents.)
)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

I. INTRODUCTION

1. Petitioner ("Mr. Gonzalez Ferrer") seeks a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge his unlawful detention by the Department of Homeland Security ("DHS") in violation of the Immigration and Nationality Act ("INA") and the Due Process Clause of the Fifth Amendment to the United States Constitution.

2. The Department of Homeland Security ("DHS") and its agents with Immigration and Customs Enforcement ("ICE") arrested Mr. Gonzalez Ferrer on or about March 12, 2026. Since that time, he has been detained in Glades County Detention Center. Although Respondent previously received a bond hearing, the Immigration Judge denied bond after finding that Respondent had not met his burden in establishing that he was not a danger to the community or a public safety risk, based primarily on the absence of documents related to a January 2025 felony arrest for Organized Scheme to Defraud, which was subsequently No Actioned by the State of Florida, as well as other alleged law enforcement encounters that were not disclosed or submitted to the Court [SEE EXHIBIT A]. In the alternative, the Court applied the Matter of Guerra factors and found Respondent not to be a suitable bond risk due to the absence of documentation regarding potential relief, lack of close immediate family members with lawful status, and pending criminal matters. However, there is no indication that Respondent poses any danger to the community. Respondent does not have a criminal record in the United States. The January 2026 arrest that

led to his current ICE detention has since been closed by the State of Florida, and state prosecutors officially declined to prosecute the matter by issuing a No Action disposition. Respondent maintains stable employment, has strong community support, and has demonstrated good moral character through his conduct and relationships within the community. Under these circumstances, Respondent's continued detention is unreasonable and unconstitutional. [SEE EXHIBIT B]

3. Petitioner Jorge Luis Gonzalez Ferrer is a national of Venezuela [SEE EXHIBIT C]. He has lived continuously in the United States since 2018 establishing strong family and community ties. Despite his long-term presence and lack of criminal record, he remains detained without a meaningful opportunity for release.

4. Mr. Gonzalez Ferrer's continued detention violates the Due Process Clause of the Fifth Amendment. By continuing to deprive Respondent of his physical liberty despite the absence of any criminal convictions or evidence that he poses a danger to the community, ICE and DHS have exceeded the scope of their limited authority. Accordingly, Respondent brings this Petition for Writ of Habeas Corpus to challenge his continued detention on statutory and constitutional grounds.

5. II. BACKGROUND

6. Petitioner is a national of Venezuela who entered the United States seeking protection. Prior to his departure from Venezuela in 2018, the country was experiencing severe political and social unrest, widespread repression, economic collapse, and escalating violence associated with the Maduro regime. During that period, Venezuelans faced widespread shortages of food, medicine, and basic

necessities, while individuals perceived as opposing or criticizing the government were frequently subjected to intimidation, arbitrary detention, harassment, and retaliation by state authorities and affiliated groups. Petitioner personally witnessed the deteriorating conditions in the country and feared becoming a target due to the increasingly hostile political climate and widespread repression of dissent. Given the ongoing instability, lack of rule of law, and documented retaliation against civilians during that period, Petitioner reasonably feared for his safety and was compelled to leave Venezuela and seek protection in the United States. [SEE EXHIBIT D]

7. Petitioner first arrived in the United States on or about May 1, 2018, at or near Miami International Airport. He was not inspected by U.S. immigration officials. [SEE EXHIBIT E]

III. JURISDICTION AND VENUE

8. Mr. Gonzalez Ferrer is detained at the Glades County Detention Center in Moore Haven, Florida, within the Middle district of Florida. [SEE EXHIBIT F]

9. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because petitioner is currently in federal immigration custody and seeks to challenge the legality of his ongoing detention. Venue is proper in in the Middle District of Florida because Petitioner is detained within this District.

10. This Court has subject-matter jurisdiction under the Suspension Clause of the U.S. Constitution, Art. I, § 9, cl. 2, and 28 U.S.C. § 1651 (All Writs Act), because

Petitioner is presently held in federal custody under the authority of the United States. His detention by Respondents constitutes a severe restraint on his liberty in violation of the Constitution and laws of the United States. *See Hensley v. Municipal Court*, 411 U.S. 345 (1973).

IV. PARTIES

11. Petitioner Jorge Luis Gonzalez Ferrer is a national and citizen of Venezuela currently detained at Glades County Detention Center.
12. Warden, Glades County Detention Center where petitioner is apprehended since March 12, 2026.
13. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. He is sued in his official capacity.
14. Respondent Todd M. Lyons is the Acting Director of Immigration and Customs Enforcement, responsible for ICE's detention and removal operations among all its other functions. He is sued in his official capacity.
15. Respondent Todd Blanche is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States. He is sued in his official capacity.

V. REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

16. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed."

17. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

18. Petitioner is "in custody" for the purpose of § 2241 because Petitioner is arrested and detained by Respondents.

VI. FACTS

Petitioner is a native and citizen of Venezuela who entered the United States seeking protection. Prior to departing Venezuela, Petitioner experienced the severe political and economic instability affecting the country, including widespread insecurity, lack of economic opportunity, and repression against individuals perceived as opposing the government. Fearing for his safety and future in Venezuela, Petitioner fled the country and sought protection in the United States.

Petitioner first arrived in the United States on or about May 1, 2018, at or near Miami International Airport. He was not inspected by U.S. immigration officials. [SEE EXHIBIT E].

Since arriving in the United States, Petitioner has established substantial and longstanding ties to this country. Petitioner has resided in the United States for approximately eight years and has developed significant economic, residential, and community connections demonstrating stability and strong incentives to comply with all immigration proceedings.

Petitioner is the owner and operator of a business in the United States and became a partner in a successful business venture in 2023. Documentation submitted with this Petition includes evidence regarding Petitioner's role and participation in the company. Petitioner has maintained stable employment and consistent financial responsibilities throughout his residence in the United States.

Petitioner also maintains substantial financial and residential ties within the United States through ownership of residential property. Supporting documentation includes mortgage records, property tax records, and personal income tax filings [SEE EXHIBT G]. These ongoing financial obligations demonstrate that Petitioner has firmly established roots in the United States and possesses substantial incentives to continue appearing in all immigration-related proceedings.

In addition, Petitioner has developed meaningful ties within his local community. Petitioner and his wife became active members of a Christian church community and established close relationships with church leadership and fellow members.

Petitioner was baptized as a Christian following his involvement with the church community. Letters submitted in support of this Petition from church leadership and community members attest to Petitioner's good moral character, reliability, and longstanding presence within the community. [SEE EXHIBT H]

In January 2026, Petitioner was arrested in Florida in connection with allegations including Organized Scheme to Defraud. However, the State of Florida subsequently declined to prosecute the case and officially issued a No Action disposition closing the matter. Despite the absence of any criminal conviction or pending prosecution, Petitioner was not released from custody and was instead transferred directly into the custody of Immigration and Customs Enforcement ("ICE"), where he has remained detained.

Petitioner remains detained solely on the basis of immigration enforcement actions. Petitioner does not have any criminal convictions or criminal record in the United States. Petitioner holds a valid Employment Authorization Document, has Temporary Protected Status ("TPS"), and a pending asylum application since 2018 [SEE EXHIBT I]. The January 2026 arrest that led to his ICE detention was subsequently closed after the State of Florida issued a No Action disposition declining prosecution, and Petitioner was nonetheless transferred into immigration custody. Petitioner's pursuit of relief demonstrates a substantial incentive to comply with all future immigration proceedings and further undermines any justification for continued detention.

Petitioner has extensive ties to the United States, including stable employment, business ownership, property ownership, and longstanding community relationships, all of which reflect strong equities and a deep level of integration into the community. Petitioner has also demonstrated good moral character throughout his residence in the United States.

Given Petitioner's lack of criminal convictions, the closure of the underlying criminal matter with a No Action disposition, his substantial ties to the United States, and the absence of any finding establishing that he poses a danger to the community, his continued detention has become unreasonable and violates the Due Process Clause of the Fifth Amendment. Petitioner therefore seeks habeas relief challenging the legality and constitutionality of his continued detention.

VII. EXHAUSTION

ICE asserts authority to detain Petitioner pursuant to immigration enforcement custody. However, Petitioner was taken into ICE custody following his arrest in January 2026 in Florida on allegations including Organized fraud, Grand Theft, and Invalid Vehicle Title Offense. Although those charges were subsequently closed after the State of Florida issued a No Action disposition declining prosecution, Petitioner was not released and was instead transferred into immigration custody, where he remains detained.

No statutory exhaustion requirement applies to Petitioner's challenge to the lawfulness of his detention. *See, e.g., Araujo-Cortes v. Shanahan*, 35 F. Supp. 3d 533, 538 (S.D.N.Y.

2014) ("There is no statutory requirement that a habeas petitioner exhaust his administrative remedies before challenging his immigration detention.").

To the extent prudential exhaustion principles may apply, exhaustion is excused as futile. Petitioner's detention arises from ICE's decision to assume custody following the underlying criminal arrest and subsequent closure of the criminal case. The immigration adjudicatory system lacks authority to order release from allegedly unlawful detention or to adjudicate constitutional challenges to prolonged detention.

Prudential exhaustion is further excused because Petitioner faces irreparable harm. Each day of continued detention constitutes an ongoing deprivation of liberty, including loss of freedom, emotional distress, and disruption of family and community relationships. See, e.g., *Jarpa v. Mumford*, 211 F. Supp. 3d 706, 711 (D. Md. 2016); *Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018); *Hamama v. Adducci*, 349 F. Supp. 3d 665, 701 (E.D. Mich. 2018).

Prudential exhaustion is also excused because immigration courts and the Board of Immigration Appeals lack authority to adjudicate constitutional challenges to detention. See, e.g., *Matter of C-*, 20 I&N Dec. 529, 532 (BIA 1992); *Matter of Akram*, 25 I&N Dec. 874, 880 (BIA 2012); *Matter of Valdovinos*, 18 I&N Dec. 343, 345 (BIA 1982).

Accordingly, requiring Petitioner to exhaust administrative remedies would be futile and would only prolong ongoing irreparable harm. This Court may properly exercise habeas jurisdiction without requiring exhaustion.

VIII. GROUNDS OF RELIEF

Petitioner's Detention Violates the Fifth Amendment Due Process Clause

The Fifth Amendment's Due Process Clause protects noncitizens from unlawful deprivation of liberty during immigration proceedings. See *Demore v. Kim*, 538 U.S. 510, 523 (2003). Freedom from imprisonment, detention, or physical restraint is a core liberty interest protected by the Due Process Clause as recognized in *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Immigration detention must be reasonably related to legitimate regulatory purposes, such as ensuring appearance at immigration proceedings or protecting community safety, and must not be arbitrary, excessive, or punitive in nature. Petitioner is a native and citizen of Venezuela who has resided in the United States since 2018. Petitioner first entered the United States on or about May 1, 2018, at or near Miami International Airport and was not inspected by U.S. immigration officials.

Petitioner has a pending asylum application since 2018, reflecting his long-standing pursuit of protection under U.S. immigration law. Petitioner is also authorized to work in the United States, holds Temporary Protected Status ("TPS"), and maintains a valid Employment Authorization Document.

Petitioner has no criminal convictions. In January 2026, Petitioner was arrested in Florida on allegations including Organized Scheme to Defraud. The State of Florida subsequently issued a No Action disposition declining prosecution and closing the matter. Despite the absence of any conviction or pending criminal case, Petitioner was transferred into immigration custody.

No individualized determination has established that Petitioner is a flight risk or a danger to the community. Accordingly, continued detention is not reasonably related to a legitimate regulatory purpose and violates the Fifth Amendment's Due Process Clause.

Petitioner's Detention Must Be Statutorily Authorized

Immigration detention must be supported by clear statutory authority under the Immigration and Nationality Act. Under 8 U.S.C. § 1226(a), detention is permitted only after an individualized assessment of risk, and bond or release must be meaningfully considered.

Respondents have not provided individualized findings demonstrating that Petitioner is a flight risk or danger to the community. Detention based solely on immigration enforcement status, without a criminal conviction or individualized justification, exceeds statutory authority.

Petitioner was first admitted to the United States in 2018 and has since established long-term residence, lawful status through TPS, and ongoing immigration relief proceedings. Continued detention without individualized justification is inconsistent with statutory requirements governing immigration custody.

Alternatives to Detention Are Available

Petitioner has a sponsor Mauricio Pineda willing to support his release. If released, Petitioner will reside with his wife, Maria Pacheco, at their home in Doral, Florida, where he will have a safe, stable, and supportive living environment.

The sponsor is personally committed to assisting Petitioner in ensuring full compliance with all immigration obligations, including attendance at all hearings, compliance with ICE reporting requirements, and adherence to any supervision conditions. The sponsor is also submitting financial documentation, including bank statements, for the Court's consideration [SEE EXHIBIT J]

Petitioner is an appropriate candidate for alternatives to detention, including ISAP supervision, electronic monitoring, or regular ICE check-ins. His long-term residence in the United States, stable family support, and established home environment support compliance without detention. Petitioner has demonstrated consistent compliance with immigration obligations, including reporting requirements and participation in all required immigration processes.

The Government Bears the Burden of Justifying Continued Detention

Immigration detention is civil and not punitive. Because it results in a severe deprivation of liberty, the government bears the burden of demonstrating that detention is legally and constitutionally justified. See *Cooper v. Oklahoma*, 517 U.S. 348, 363 (1996). Respondents have failed to meet that burden. Petitioner has no criminal convictions, holds TPS, maintains valid employment authorization, and has a pending asylum application. Absent individualized findings supported by evidence, continued detention is arbitrary and unlawful.

Detention Unlawfully Interferes with Petitioner's Pending Immigration Relief

Petitioner's continued detention unlawfully interferes with his ability to pursue pending immigration relief. Petitioner has properly filed his asylum and TPS application. These applications are bona fide and demonstrate Petitioner's eligibility to pursue protection under U.S. immigration law.

By remaining in detention, Petitioner is prevented from effectively preparing and presenting his immigration claims. Detention under these circumstances is not reasonably related to any legitimate regulatory purpose and imposes a punitive effect in violation of the Fifth Amendment's Due Process Clause, as recognized in *Zadvydas v. Davis*.

IX. PRAYER FOR RELIEF

1. Assume jurisdiction over this matter;
2. Expedite consideration of this action pursuant to 28 U.S.C. § 1657, because it is an action brought under Chapter 153 (habeas corpus) of Title 28;
3. Issue an Order to Show Cause pursuant to 28 U.S.C. § 2243, directing Respondents to explain within three (3) days why the writ of habeas corpus should not be granted;
4. Grant a writ of habeas corpus directing Respondents to immediately release Petitioner from custody, or, in the alternative, release Petitioner on bond under such conditions as the Court deems appropriate, pursuant to 8 C.F.R. § 241.5, including

the use of electronic monitoring measures such as ankle monitoring devices or other approved tracking devices to ensure compliance with release conditions;

5. Order that Respondents shall not transfer Petitioner outside the middle District of Florida while this petition is pending, unless prior authorization is obtained from this Court. This relief is requested pursuant to the Court's inherent authority to preserve and protect its jurisdiction over this habeas proceeding and is not sought as a Temporary Restraining Order or preliminary injunction, but solely to ensure that the Court can fully adjudicate the merits of this case. Any transfer made in violation of this order shall not defeat this Court's jurisdiction.
6. Grant any and all further relief that this Court deems just and proper..

X. DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Jorge Luis Gonzalez Ferrer

Date: 05/14/2026

Signature of Petitioner

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

In the matter of: Gonzalez Ferrer Jorge Luis File No.: A[redacted]

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EXHIBIT D: VENEZUELA 2018 HUMAN RIGTS REPORT

"Human rights issues included extrajudicial killings by security forces, including colectivos (government-sponsored armed groups); torture by security forces; harsh and life-threatening prison conditions; and political prisoners. The government restricted free expression and the press by routinely blocking signals, and interfering with the operations of, or shutting down, privately owned television, radio, and other media outlets. Libel, incitement, and inaccurate reporting were subject to criminal sanctions. The government used violence to repress peaceful demonstrations. Other issues included restrictions on political participation in the form of presidential elections in May that were not free or fair; pervasive corruption and impunity among all security forces and in other national and state government offices, including at the highest levels; trafficking in persons; and the worst forms of child labor, which the government made minimal efforts to eliminate. The government took no effective action to investigate officials who committed human rights abuses, and there was impunity for such abuses."

EXHIBIT E: I-94 AND VISA

EXHIBIT F: PROOF OF CURRENT IMMIGRATION DETENTION LOCATION

Documentation confirming Petitioner's current place of detention at Glades County detention center.

EXHIBIT G: COMPANY AND PERSONAL DOCUMENTS

Statement from [redacted] 2023 Personal Taxes, Mortgage Records, Property Taxes, and [redacted]s 2023 & 2024 Tax Records.

EXHIBIT H: SWORN AFFIDAVITS

- Jorge Omar Wakfie

- Elias Levy Olano
- Maria Eugenia Gonzalez
- Esteban Alejandro Jimenez Romero
- Roberto Bracho
- Juan Jose Acosta Fermin
- Arias Creilin

EXHIBIT I: BIOMETRICS I-589, EMPLOYMENT AUTHORIZATION CARD AND APPROVAL NOTICE, AND TPS APPROVAL NOTICE, BIOMETRICS & RECEIPT.

EXHIBIT J: SPONSOR MAURICIO PINEDA DOCUMENTS

Statement from Sponsor Mauricio Pineda stating that he is responsible business owner, a good person, and reassuring he will sponsor the petitioner financially. Along with Sponsor's Driver's License, United States passport, and a Bank Statement..